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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Sep 04, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL G.,<sup>1</sup>

Plaintiff,

v.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:24-CV-3074-MKD

ORDER GRANTING STIPULATED  
MOTION FOR REMAND  
PURSUANT TO SENTENCE FOUR  
OF 42 U.S.C. § 405(g) AND  
CLOSING FILE

**ECF Nos. 8, 9, 15**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 15, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Special Assistant United States Attorney Katherine S. Bowles represents Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

<sup>1</sup> To protect the privacy of plaintiffs in Social Security cases, the Court identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1       1. The parties' Stipulated Motion for Remand, **ECF No. 15**, is **GRANTED**.  
2       2. The above-captioned case be **REVERSED** and **REMANDED** to the  
3 Commissioner of Social Security for further administrative proceeding pursuant to  
4 sentence four of 42 U.S.C. § 405(g).

5       The parties have stipulated to the following:

6       On remand, the Appeals Council will instruct the ALJ to:

- 7           • Further evaluate the nature, severity and limiting effects of Plaintiff's  
8           mental and physical health impairments during the period at issue;
- 9           • Reevaluate Plaintiff's alleged symptoms pursuant to Social Security  
10           Ruling 16-3p;
- 11           • Give further consideration to Plaintiff's RFC;
- 12           • Continue with the sequential evaluation process, to include obtaining  
13           vocational expert testimony, as necessary;
- 14           • Offer Plaintiff the opportunity for a hearing, take further action to  
15           complete the administrative record resolving the above issues, and  
16           issue a new decision; and
- 17           • Consolidate Plaintiff's subsequently filed claim with the present  
18           claim.

19       *See ECF No. 15 at 2.*

20       3. Judgment shall be entered for **PLAINTIFF**.

**4. Plaintiff's Opening Brief, ECF No. 8, and Plaintiff's Motion to Remand**

Under Sentence Six, ECF No. 9, are STRICKEN AS MOOT.

5. Upon proper presentation, the Court will consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, enter

**Judgment**, forward copies to counsel, and CLOSE THE FILE.

DATED September 4, 2024.

s/Mary K. Dimke  
MARY K. DIMKE  
UNITED STATES DISTRICT JUDGE